



*United States Attorney  
Southern District of New York*

*The Jacob K. Javits Building  
26 Federal Plaza, 37th Floor  
New York, New York 10278*

May 8, 2025

**VIA ECF**

The Honorable Barbara Moses  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Hwang & Halligan,*  
S1 22 Cr. 240 (AKH) (BCM)**

Dear Judge Moses:

As directed by the Court in its Scheduling Order dated May 7, 2025 (ECF Doc. 413), the Government respectfully writes to advise the Court of how it intends to proceed at the Phase I hearing scheduled for May 9, 2025.

First, as to the two individuals identified by the Court as “plausible” knowing participants in the criminal conduct (ECF Doc. 413 at 2-3), the Government advises the Court that it does not intend to present further testimony or evidence at the Phase I hearing. Based on the letter filed by counsel for these employees (ECF Doc. 414), it appears that counsel will make them available at the Phase I hearing; the Government, however, will not call them as witnesses.

Second, on the issue of coercion (ECF Doc. 413 at 6), the Government advises the Court that it does not intend to present testimony or new documentary evidence at the Phase I hearing as to whether the elections made by the sixteen employees challenged by defendant Hwang were coerced rather than truly voluntary. The Government, however, has no objection to counsel’s request to submit affidavits on the issue of coercion for the Court’s consideration. (*See* ECF Doc. 414).

Respectfully submitted,

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cc: Counsel of Record (via ECF and email)